

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

VALENTINO JOHNSON,
Defendant.

Case No. 14-cr-00412-TEH-1

**ORDER CONTINUING
EVIDENTIARY HEARING AND
SETTING SCHEDULE FOR
MOTIONS TO QUASH**

On September 30, 2014, this Court granted Defendant Valentino Johnson's request for an evidentiary hearing regarding his Motion to Suppress Evidence. (Docket No. 33). Following a required meet and confer between the parties, the Court set the evidentiary hearing for 9:30 AM on November 6, 2014. (Docket No. 36).

Defendant subsequently applied for two Rule 17(c) subpoenas to be served upon the San Francisco Police Department ("SFPD"). (Docket Nos. 37-38). These applications were granted by the Court on October 9, 2014 (for, *inter alia*, the testifying officers' personnel files), and October 15, 2014 (for, *inter alia*, San Francisco Police Department notes related to the search in question), with any motions to quash to be filed by October 24 and October 30, respectively. (Docket Nos. 40, 42). The Court has now received Motions to Quash the subpoena authorized on October 15, 2014, filed by the United States and the San Francisco Police Department. (Docket Nos. 46-47). The Court has also received the SFPD's Motion to Quash the subpoena authorized on October 9, 2014. (Docket No. 48).

As the Motions to Quash cannot adequately be heard before the evidentiary hearing currently scheduled for November 6, 2014, the Court hereby CONTINUES that evidentiary hearing until a date to be set after the resolution of the Motions to Quash.

The Court FURTHER ORDERS the following briefing and hearing schedule for the two Motions to Quash the subpoena authorized on October 15, 2014, and for the SFPD's


1 Motion to Quash the subpoena authorized on October 9, 2014: Defendant's Opposition to
2 these three Motions is due on or before **October 28, 2014**; Replies are due on or before
3 **November 3, 2014**; and the hearing will be held at **9:30 AM on November 6, 2014**, in
4 Courtroom 2 on the 17th Floor of the Phillip Burton Federal Building.

5 The Court FURTHER ORDERS that should the United States also file a motion to
6 quash the subpoena authorized by this Court on October 9, 2014, it must be filed on or
7 before **October 24, 2014**, and will be subject to the following briefing and hearing
8 schedule: Defendant's Opposition is due on or before **October 31, 2014**; the Reply is due
9 on or before **November 4, 2014**; and the hearing will be held at **9:30 AM on November 6,**
10 **2014**, in Courtroom 2 on the 17th Floor of the Phillip Burton Federal Building.

11 Accordingly, the Court FURTHER ORDERS that the compliance date for the
12 issued subpoenas is hereby continued pending the outcome of the Motions to Quash.

13
14 **IT IS SO ORDERED.**

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16 Dated: 10/21/14



THELTON E. HENDERSON
United States District Judge